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UNITED STATES
HOUSE OF REPRESENTATIVES

ROSA L. DELAURO

3RD DISTRICT, CONNECTICUT

April 28, 2015

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Dr. Stephen Ostroff, M.D.
Acting Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Acting Commissioner Ostroff:

As a Member of Congress one of my goals is to protect the nation's youth from the dangers of tobacco use. We are now approaching six years since Congress passed the Family Smoking Prevention and Tobacco Control Act; yet, there are still many kinds of tobacco products that remain unregulated and youth are using those products at disturbing rates. As Acting Commissioner of FDA you have it in your power to finalize the "deeming rule" that would bring all tobacco products under your agency's jurisdiction, including cigars, e-cigarettes, and hookahs. I am disappointed that the deeming rule proposed over one year ago has not yet been finalized. Our children cannot wait any longer – I urge you to finalize the deeming regulation now.

The Centers for Disease Control and Prevention (CDC) recently released data showing that cigarette use among high school students declined from 2013-2014 to 9.2% which is good news. However the news was not all good – during that same time e-cigarette use among high school students tripled to 13.4%, and e-cigarettes are now the most-used tobacco product by high school students. Hookah use also experienced increases from 2013 to 2014, doubling to 9.4% for high school students. Further, while cigar use is down, youth still use cigars at obstinately high rates – 8.2% of high school students have used a cigar in the last 30 days. More must be done to drive those rates down. Cigars are a combustible tobacco product with nearly all of the same terrible health effects of cigarettes. Yet few, if any, of the restrictions we use to drive cigarette rates down apply to cigars.

This data highlights that we must have regulations to protect our youth from these products. We need to know what is in these products, who is making them, and how they are being marketed. Once FDA finalizes the deeming rule it will bring all of these products under their regulations. FDA must do all it can to reduce the access and the appeal of these products—to youth, addressing internet sales, and barring self-service displays that put colorful tobacco products alongside candy and other products kids purchase. Finally, FDA must enforce youth access provisions to keep these products out of the hands of our children.

In closing, I once again urge you to finalize the deeming rule as soon as possible to bring all tobacco products under FDA's authority. If we are to put an end to tobacco-related death and disease, FDA must act quickly to protect the nation's youth from all forms of tobacco.

Sincerely,


Rosa DeLauro
Member of Congress